IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 466 OF 2007

Guddu @ Prakash Madan Mohan Bharti ..Applicant
V/s
State of Maharashtra ..Respondent.

Mr. Vikas Shivarkar, Advocate for the applicant.
Mr. M.H. Mhatre, APP for the State.

CORAM : J.H. BHATIA, J.

DATE : 27TH FEBRUARY, 2007.

P.C.

. Heard Mr Shivarkar, learned Counsel for the applicant and Mrs. Mhatre, learned APP for the State. Perused the police papers. The applicant seeks to be released on bail in Crime No. 65/2006 registered at Lonawala Police Station for the offence punishable under Section 302 of Indian Penal Code.

2. The prosecution case, in brief, is that deceased Jamir Suleman Patel left the house on 23/6/2006 at about 9 P.M.. At about 1.30 P.M. during the same night some police men found a dead-body near the staire-case of the Railway Station. They came to the rickshaw stand near

Lonawala Railway Station and along with some rickshaw drivers they again went to the staire-case of the railway station, where dead body was found. The rickshaw drivers identified it to be the dead body of Jamir Patel. There were several stab wounds on his body and intestines were protruding. Near the dead body two blood stained knives were found lying. The blood stained knives and other articles were seized from the spot under the panchanama. During the investigation it was revealed that the deceased used to harass the present applicant by removing money from his pocket and by insulting him in presence of his servants. A few days before the incident of this case, the present applicant had wrapped and kept one knife in the public toilet, near the railway station. On 23/6/2006 late in the night he had been to the toilet and taken away the said knife. During the same night at about 1.30 a.m. the accused went back to the public toilet and demanded some money from witness Nareshram but Nareshram told him that he did not have money. Accused told him that he had committed murder of Jamir Patel near Railway Station and he was in need of money. Saying so, he collected the amount of Rs. 40/- from the cash box at the public toilet and went away. The statement of Nareshram shows

that at about 12.30 the accused had come to the public toilet and had taken away the knife and at about 1.3o A.M. he came back and made extra judicial confession of having committed murder of Jamir Patel. The statement of Nareshram was recorded on the next date after the incident. Accused was arrested and clothes on his person were seized. Arrest panchanama shows that on his shirt there were some blood like stains. Property has been sent to C.A. It appears that finger prints an the knives, seized on the spot, were not taken by the police for the purpose of investigation. There is no eye witnesses to the incident. However, there is circumstantial evidence, as well as extra judicial confession of the applicant, indicating that he had committed murder. Post mortem report reveals that there were as many as 15 injuries on the body. Out of them number of injuries were stab wounds, though they are shown as contused lacerated wounds by Autopsy Surgeon, most of the vital parts of the body like abdominal wall, spleen, pleura, kidney, Pentoneum, both lungs and heart were ruptured. It reveals that Jamir Patel was brutally murder. The possibility of more than one person involved in commission of crime cannot be ruled out. Taking into consideration the evidence available, I find

that it will not be in the interest of justice to grant bail to the accused. If bail is granted, possibility of tampering with the evidence cannot be ruled out.

. Therefore, the application stands rejected.

(J.H. BHATIA, J.)